

STONE & THOMAS.

Weather Forecast for To-day—Showers and Cooler.

STONE & THOMAS.

Inducements Rare

FOR
Saturday Shoppers.Hosiery and
Summer Underwear.

A buyer at the head of this department, who is an expert in every sense of the word, has gathered a stock from the very best mills of this and foreign countries. Spot cash buying in large quantities enables us to offer many inducements to Saturday buyers. We've all the good kinds from 10c to \$2.50 per pair.

Boys' Bicycle Stockings.

Boys' and Misses' Black Bicycle Stockings, apical knee and ankle and double sole. Saturday special. 12c

Boys' Heavy Ribbed Bicycle Stockings, double heels and toes, as good as some stores sell for a quarter a pair. Saturday special. 15c

Ladies' Stockings.

Ladies' Black Hose in lace heels, either drop stitch or plain; also a complete line of superior quality polka dots and leading high colors, including violet and red. Saturday special. 25c

Girls' fine ribbed, full fashioned Black Stockings, the 25c kind. Saturday special. 15c

Shirt Waists.

Thousands and thousands of them here for your selection. At least a hundred dozen marked off yesterday and will be shown for the first time Saturday—48c to \$5.00.

Ladies' Vests.

Ladies' Lace Trimmed Neck and Sleeve Vests. Saturday special. 12c

Ladies' Pure Lisle Vests, neck and sleeves silk lined, the 25c kind. Saturday special. 18c

Ladies' White, Pink and Blue Silk Vests, lace and silk trim. Saturday special. 45c

Ladies' Knit Cotton Union Suits, low neck and no sleeves, or high neck and long sleeves, knee or ankle length. Saturday special. 47c

A full and complete line of Children's Underwear. Two special values for Saturday's selling at—15c and 25c.

Corsets at a Saving.

Ladies' Tailor Made Corsets, long and short waists, a 50c corset. Saturday special. 39c

The Duchess, Globe and Mode Bust Corsets, in white, pink, blue and black, long, short and medium waist, the regular 75c kind. Saturday. 49c

STONE & THOMAS.

GEO. M. SNOOK & CO.

Japanese
Kimono

The new Japanese Dressing Sackies with wide flowing sleeves, have arrived in both white and flowered grounds. Broad bands of bright contrasting colors, border the sleeves, revers and fronts; their general attractiveness is heightened by shallow tucked yokes.

\$1.25 and \$1.39 Each.

Empire and other styles of Dressing Sackies in white and colors, 49c to \$2.98.

MERCERIZED
Linen Skirts \$3.90.

This style in particular is the nearest approach we have ever seen in color, weave and lustre, to a real Foreign Silk. Cheaper All Linen Skirts 98c, \$1.19 and \$1.49. White P. K. Skirts from \$1.98 to \$3.90. Plain Blue and Polka Dot Skirts, variously trimmed with bands of pure white, from 98c to \$1.50 each. Separate Skirts, anyway you want 'em, \$1.98 to \$32.00.

Allover
Waists \$8.90.

Washable at that, too. Are made just like ribbon and lace waists, only difference being the substitution of narrow bands of tucked white Habutai Silk. Airy, elegant, and a fitting climax to what is considered the choicest Waist Waist stock within 75 miles. Please note that we say CHOICEST—any because customers are constantly commenting upon this feature. Waist prices begin with 49c.

Summer
Comforts.

Made of best figured Silk—Shoes—Autumn and Winter—\$1.19 to \$1.69.

Ruffled
Curtains

of Net and Swiss—a beautiful assortment—largest shown this season—98c to \$4.95.

Are constantly adding to our stock of Muslin and Cambric Underwear for the special May selling.

Geo. M. Snook & Co.
1112-12-14 MAIN
THROUGH TO THE MARKET

NAY BROTHERS—SHOE.

Many Men

Like to step into the most convenient

SHOE STORE

and quietly make their purchases without shopping around. Have you thought of it? We are the most centrally located of any shoe store in Wheeling. This is one thing favorable to us—convenient, easy of access. The other thing, our shoes are guaranteed to be strictly first-class in every respect, worthy of your confidence, and what's more, your money cheerfully refunded if you want it. More people are testing the merits of

"Royal" \$3.50 Shoe For Men

this season than ever before.

NAY BROS.,
1317 Market.

The Intelligencer

Office 25 and 27 Fourteenth Street.

New Advertisements.

Carpet—House & Herrmann—Fifth page
Inducements Rare—Stone & Thomas—
Eleventh page.
\$2.50 to London—H. F. Behrend Co.
Buckman & Kraus—Brokers—Seventh
page.

For Sale—Theo W. Fink & Co.
Young Woman Desires to Marry.
Agents Wanted—New England Watch
Company—Third page.
Traveling Man Wanted—Third page.
Wanted—A Good Cook.
Announcement—H. M. Smith.
Wanted—A Good Coachman.
Why Do Not the Police—J. G. Kane.
Wanted—Men to Learn Barber Trade.
List of Unclaimed Letters.
John Simmons—Geo. M. Snook & Co.
Eleventh page.

Cool Underwear—McFadden's—Second
page.
Satisfactory Suits—Lee Baer—Eleventh
page.
In Nerve and Muscle—Paine's
Celery Compound—Second page.
Hyomel Kills the Germs—Eleventh page.

20.000.
We have fitted more than twenty
thousand pairs of Spectacles, giving us
a record and experience unequalled by
any other optician in West Virginia.
Satisfaction guaranteed.
JACOB W. GRIEDER, Optician.
No. 1006 Market Street.

NEW! NEW! NEW!
Our second invoice of Foreign and
Domestic Woollens for Spring Suits.
Excellence in fit, finish and
workmanship.

C. HESS & SONS,
Fashionable Tailors and Fine Fur-
nishers, 1221-1223 Market St.

MOZART PARK.
Concert every Sunday afternoon.
Open evenings until 12 o'clock. Partic-
ular attention given private picn-
ic and bowling parties. Entertainment
of W. C. Handlan, Jr., Sec'y-Mgr.

BRIEF MENTIONINGS.
Events in and About the City Given
in a Nutshell.

Opera House to-night—"A Poor Rela-
tion."
Matinee at the Opera House this after-
noon.

Kelly confesses to killing Patrick
Sweeney.
Base ball this afternoon—Wheeling
vs. Toledo.

The oil market is decidedly bearish,
says "The Scout."
Mooney and Friday are sentenced to
hang, Friday, July 13.

At 5 o'clock this morning there was a
heavy fall of rain, followed by thunder.
Both afternoon and evening concerts
will be given at Wheeling Park to-mor-
row.

The W. C. T. U. will hold a gospel
meeting in the Second ward market
house, on Sabbath afternoon, at 4
o'clock.

Mr. George Laughlin will lead the
men's meeting at the Young Men's
Christian Association building, to-mor-
row afternoon at 4 o'clock.

In Hitchcock district, the congressional
convention at Monday's mass meeting,
not E. P. Wheat, as stated in yester-
day's Intelligencer.

The National Steel Company is said
to have sold its merchant mill at Mingo
to the American Steel & Hoop Com-
pany. Three other mills may be erected
by the latter company.

At the instance of Katherine Sim-
mons, white, Squire Rogers yesterday
fined Lucy Piper, colored, \$5 and costs,
on an assault and battery charge, and
put her under bond to keep the peace.

The council committee on finance is
called to meet Monday evening, when
the ten-cent estimate will be re-
ported by the members of the com-
mittee for insertion in the annual ap-
propriation ordinance.

Samuel Dunnington was tonight com-
mitted to the county jail for thirty days, an in-
sultant train jumper, who gave his
name as Arthur McGee. He was caught
trespassing on Baltimore & Ohio trains
by Detective John M. Short.

The friends of the West Virginia
Home for Aged and Friendless Women
are reminded that Thursday, May 31, is
the annual donation day at that insti-
tute. The managers hope that the day
will be remembered in the same liberal
manner that has characterized these
yearly giving-days in the past.

The Knights of St. George will hold a
special meeting to-morrow afternoon to
be followed by a luncheon at the Car-
roll club. Delegates will be elected to
the Knights of St. John convention,
which will be held at Philadelphia in
the latter part of June, and arrange-
ments for the trip to the convention
city will be discussed.

John Mahoney pleaded guilty to the
charge of assault and battery on Wil-
liam Sherlock, in Squire Rogers' court
yesterday and he was fined \$5 and costs.
The scrap between the two grew out of
a strike at a South Side pottery, and
Sherlock, who was the bigger man, was
badly used up. Mahoney offered to pay
part of Sherlock's doctor's bill.

The dedication of the Schuylbach
rivermen's monument, in Tiverton,
Maryland, has been postponed until next
Thursday evening, at 7 o'clock, when
the presentation speech will be made
by Congressman Dwyer, and speeches
will be made by Mayor Sweeney and
Mr. P. W. Nesbitt. Mr. Charles J.
Rehuck will act as master of cere-
monies.

Wheeling vs. Dayton, Sunday, 3 p. m.

THE Little Smith Hat just received
at L. R. SONNEBORN'S,
1108 Main Street.

DOUBLE BILL, Double Attraction
at Wheeling Park, Sunday afternoon
and evening. Afternoon concert.
McNeil & Knoll, cornetists, who de-
lighted 100,000 people at the Elks
Fair, and the Opera House Military
Band. Evening concert, beginning
at 8 o'clock, McNeil & Knoll and Op-
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MOONEY AND
FRIDAY ARE
SENTENCED

To the Death Penalty, the Date is
July 13, and the Place the
State Penitentiary.

STAY OF EXECUTION GRANTED

At the Request of Colonel Arnett for
Forty-five Days—New Trial
Motion Over-ruled.

John Mooney and Frank Friday (or
"Doc" Hiley) are sentenced to the death
penalty for the murder of James Her-
vey. Sentence was imposed by Judge
T. J. Harvey, of the Ohio county cir-
cual court, yesterday morning at 11
o'clock. Preliminary to the sentencing
of the men, Judge Harvey over-ruled the
motion of Colonel Arnett for a new trial.
Then the colonel asked for a stay of
proceedings for sixty days, but the
court decided that forty-five days was
sufficient in which the condemned men's
attorneys may make the last efforts in
their behalf.

Colonel Arnett, counsel for the prison-
ers, introduced three affidavits in sup-
port of his motion for a new trial. The
first is signed by John Partell, a gas
piper, who, with another man, Pat
Downs, was in Elm Grove at the time
Mooney and Friday were testified to
have been there. The purpose of the
affidavits was to show that it was not
Mooney and Friday who were seen in
Herdon's saloon at 5 p. m., the day of
the murder. The second affidavit is
signed by C. W. Rixey, who states that
he went out into the oil fields to secure
Partell's affidavit, and that Partell
greatly resembles Mooney. The third
affidavit, signed by the prisoners and
alleged accessories, sets up the claim
that the arrest of "Dukes" Rolly,
Lynch and Connor was made by the
state to impair the value of their evi-
dence in favor of the prisoners.

After a long discussion, in which Col-
onel Arnett and Prosecuting Attorney
Mayer argued, the court ruled that Part-
ell's affidavit could be filed, but ex-
cluded that of the prisoners and alleged
accessories.

Judge Harvey then proceeded to over-
rule the motion for a new trial and im-
posed sentence, in the following lan-
guage:

State vs. Mooney and Friday, on mo-
tion for a new trial, do hereby order that
the prisoners on being arraigned upon
the indictment found against them
moved the court to send them to a ju-
stice for preliminary examination. That
the court, in its discretion, may order
the trial to be postponed for a period of
the court is now assigned as a ground for
a new trial.

Their claim to a preliminary exami-
nation, provisionally granted, is over-
ruled. The court, on the third day of April,
1893. This act provided: Before any
person charged with felony is tried
before a circuit court, he shall be ex-
amined before the county court, unless
he waives such examination by his as-
sented entry of record.

This act continued in force until the
23rd day of December, 1876, on which
day it was repealed by chapter 92, of
the acts of 1876. During its brief exis-
tence it came before our supreme court
for consideration in four cases, viz:
Bunkirk vs. Judge Ward 7 W. Va., 31;
state vs. Abbott, 2 W. Va., 746; and state vs.
Strader 3 W. Va., 586.

In this last case, yet generally re-
membered in this county, the act in
question, saved Strader from the gallows.
Nothing, however, was decided in
any of these cases, tending to throw
any light on the ruling under consid-
eration, further than to show, as was de-
cided in the Strader case, that no one
could be tried for a felony while that
act was in force, without a preliminary
examination, if one was demanded.

The act providing for a preliminary
examination by the county court, did
not in terms repeal any other statutory
provisions, nor did it do so by implica-
tion, simply providing for a preliminary
examination, before trial, of all felons.
Such examination was to take place before the county court,
then a recently created tribunal.

Under the two and two-third years after
enactment put an end to this special
preliminary examination before the
county court, and left the law as to ex-
amination, indictment, and trial, as
they were before its enactment, and
substantially, if not identically, as
they are now.

Not only has the statute providing for
such preliminary examination been re-
pealed, but the county court, which
had exclusive jurisdiction to hold it,
has been abolished. This, then, is the
case, and, so far, that statute and the
county court are concerned, all
possible contention that a preliminary
examination is a legal prerequisite to
a trial.

And such a contention cannot be
based upon our present statute, which
is chapter 156 of the code of 1891, re-
lating to arrest, commitment, and trial.
This chapter is identical with chapter
156 of the code of 1885, except that there
is omitted from it section 19, permitting
certain misdemeanors, like the parties
themselves, and not to be prosecuted to
indictment and trial, when so settled.
Chapter 156 of the code, was not re-
pealed expressly, by the act of 1876,
providing for special ex-
amination by the county court. The ar-
rest, commitment and bail, and exami-
nation to indictment, provided for in
chapter 156 of the code of 1885, contin-
ued in force during the existence of that
special statute, as it had before, and
does today, in the same chapter in the
code of 1891.

There is then certainly no law now
requiring preliminary examination be-
fore trial. On the other hand, how-
ever, there is now express statutory au-
thority for proceeding to indictment and
trial without preliminary examination.
This is very evident from the finding of
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